

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Action No. 07-04

VANTVAN DEON FULLER,

Defendant.

**MOTION FOR REVOCATION OF RELEASE ORDER**

COMES NOW, the United States of America by and through its attorneys, Colm F. Connolly, United States Attorney for the District of Delaware, and Douglas E. McCann, Assistant United States Attorney for the District of Delaware, and pursuant to 18 U.S.C. § 3145(a)(1) moves for revocation of the release Order issued on October 19, 2007, by the Honorable Stephen W. Smith, United States Magistrate Judge for the Southern District of Texas.

A copy of the release order is attached hereto as Exhibit A.

Respectfully submitted,

COLM F. CONNOLLY  
United States Attorney

BY:

Douglas E. McCann  
Assistant United States Attorney  
1007 Orange Street, #700  
P.O. Box 2046  
Wilmington, DE 19899-2046



Dated: October 23, 2007

CLERK U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
FILED  
2007 OCT 23 PM 4:41

UNITED STATES OF AMERICA, :  
: Plaintiff,  
: :  
v. : Criminal Action No. 07-04  
: :  
VANTVAN DEON FULLER, :  
: Defendant. :  
:

**O R D E R**

WHEREAS, the Honorable Stephen W. Smith, United States Magistrate Judge for the Southern District of Texas, entered an Order on October 19, 2007, releasing the defendant on bail; and

WHEREAS, on October 23, 2007, the Government moved for revocation of that Order;  
**IT IS HEREBY ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 2007,  
that a hearing on the Government's motion will be scheduled by the Court.

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United States District Judge

## UNITED STATES DISTRICT COURT

SOUTHERN

District of

TEXAS

UNITED STATES OF AMERICA

V.

REDACTED  
APPEARANCE BONDVaniven Dean Fuller  
Defendant

Case Number: 1-07-9351

Non-surety: I, the undersigned defendant acknowledge that I and my . . .  
 Surety: We, the undersigned, jointly and severally acknowledge that we and our . . .  
 personal representatives, jointly and severally, are bound to pay to the United States of America the sum of  
 \$ 10,000.00, and there has been deposited in the Registry of the Court the sum of  
 \$ 1,500.00 in cash or \_\_\_\_\_ (describe other security.)

The conditions of this bond are that the defendant

Vaniven Dean Fuller  
(Name)

is to appear before this court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of defendant's release as may be ordered or notified by this court or any other United States District Court to which the defendant may be held to answer or the cause transferred. The defendant is to abide by any judgment entered in such matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment.

It is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which shall continue until such time as the undersigned are exonerated.

If the defendant appears as ordered or notified and otherwise obeys and performs the foregoing conditions of this bond, then this bond is to be void, but if the defendant fails to obey or perform any of these conditions, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any United States District Court having cognizance of the above entitled matter at the time of such breach and if the bond is forfeited and if the forfeiture is not set aside or remitted, judgment, may be entered upon motion in such United States District Court against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States.

This bond is signed on 10-19-07 at Houston, Texas

Date

Defendant Vaniven Fuller Address \_\_\_\_\_Surety Pat Edwards Address \_\_\_\_\_

Surety \_\_\_\_\_ Address \_\_\_\_\_

Signed and acknowledged before me 10-19-07

Date

Judge/Judge

OCT 23 2007

Approved Steve B. Smith

U. S. DISTRICT COURT

DISTRICT OF DELAWARE

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

vs

Vanikun Dean Fuller

CRIMINAL NO. H-17-935-M

REDACTED

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the release of the defendant is subject to the following conditions:

1. Defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall appear at (if blank, to be notified): \_\_\_\_\_
2. The defendant shall immediately advise the Court, defense counsel and the Pretrial Services Agency, in writing, of any change in address and telephone number.
3. The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
4. The defendant shall not intimidate or attempt to intimidate a witness, juror or officer of the court (18 USC § 1503), obstruct a criminal investigation (18 USC § 1510), or tamper with or retaliate against a witness, victim or informant (18 USC §§ 1512 and 1513).

RELEASE ON PERSONAL RECOGNIZANCE OR UNSECURED BOND

IT IS FURTHER ORDERED that the defendant be released provided that:

5. The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.

6. The defendant executes an unsecured bond binding the defendant to pay the United States the sum of \$\_\_\_\_\_ in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

The bond shall be signed by the following person(s) as surety:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

7. The defendant is placed in the custody of:

(Name of person or organization)

(Address)

(City/State/Zip Code)

(Area Code) Telephone Number)

who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed:

Custodian or Proxy

[X] 8. The defendant shall:

- a. Maintain employment at all times; if unemployed, actively seek employment.
- b. Maintain or commence an educational program.
- c. Abide by the following restrictions on place of abode or travel: Southern District of Texas  
District of Delaware
- d. Avoid all contact with any alleged victim of the offense charged and with any potential witness who may testify concerning the offense, and not associate with any person engaging in criminal activities or who has been charged with or convicted of a felony offense, or who has been released on bail, probation or parole.
- e. Report on a regular basis to the U. S. Pretrial Services Agency - Phone: 713-250-5218.
- f. Comply with the following curfew:
- g. Refrain from possessing a firearm, destructive device or other dangerous weapon.
- h. Refrain from excessive use of alcohol and any use or unlawful possession of a narcotic drug and other controlled substance (defined in 21 USC § 802) unless prescribed by a licensed medical practitioner.
- i. Participate in drug and alcohol screening and treatment as directed by Pretrial Services. The defendant will incur the costs associated with this condition based on the ability to pay as determined by the Pretrial Services Officer.
- j. Undergo medical treatment or psychiatric treatment, including treatment for drug or alcohol dependency or substance abuse. Treatment will be at:

as directed by Pretrial Services. Defendant shall remain in that institution if required for that purpose. The defendant will incur the costs associated with this condition based on the ability to pay as determined by the Pretrial Services Officer.

j. Execute an appearance bond in the amount of \$ 100,000.00. There will be deposited in the registry of the Court the sum of \$ 1,500.00. This deposit will be returned to the depositor upon the Court's determination that the defendant has performed the conditions of his release.

k. The bond shall be signed by the following person(s) as surety:  
Mark

l. The defendant will execute an appearance bond in the amount of \$ \_\_\_\_\_, secured by joinder of a corporate surety, duly authorized as an acceptable surety on federal bonds.

m. Surrender any passport to the Clerk and/or  obtain no other passport.

n. Electronic Monitoring. The defendant is restricted to his or her place of residence continuously, except for absences authorized by the Pretrial Services Officer. The Pretrial Services Officer may approve absences for gainful employment, religious services, medical care, education or training programs, and at other time as may be specifically authorized by the Pretrial Services Officer. Electronic monitoring may be used to monitor compliance with this condition; however, alternative means of surveillance may be used that will ensure compliance with this special condition. If electronic monitoring is used, the defendant will incur costs associated with such monitoring, based on ability to pay as determined by the Pretrial Services Officer.

o. Special conditions:  
Reside with wife; wife's firearms to be placed outside of home.

#### Advice of Penalties and Sanctions

Violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for the defendant's arrest, a revocation of release, an order of detention, as provided in 18 USC § 3148, and a prosecution for contempt as provided in 18 USC § 401 which could result in a possible term of imprisonment or fine.

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense to a term of imprisonment of not more than ten years, if the offense is a felony, or to a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be consecutive to any other sentence and must be imposed in addition to the sentence received for the offense itself. 18 USC § 3147.

18 USC § 1503 makes it a criminal offense punishable by up to five years of imprisonment and a \$250,000 fine to intimidate or attempt to intimidate a witness, juror or officer of the court; 18 USC § 1510 makes it a criminal offense punishable by up to five years imprisonment and a \$250,000 fine to obstruct a criminal investigation; 18 USC § 1512 makes it a criminal offense punishable by up to ten years of imprisonment and a \$250,000 fine to tamper with a witness, victim or informant; and 18 USC § 1513 makes it a criminal offense punishable by up to ten years of imprisonment and a \$250,000 fine to retaliate against a witness, victim or informant, or threaten or attempt to do so.

It is a criminal offense under 18 USC § 3146, if after having been released, the defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of sentence pursuant to a court order. If the defendant was released in connection with a charge of, or while awaiting sentencing, surrender for the service of a sentence, or appeal or certiorari after conviction for:

p. 1. an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both.

3. any other felony, the defendant shall be fined not more than \$250,000 or imprisoned for not more than two years, or both;

4. a misdemeanor, the defendant shall be fined not more than \$100,000 or imprisoned for not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense. In addition, a failure to appear may result in the forfeiture of any bail posted.

#### Acknowledgment of Defendant

I acknowledge that I am the defendant in this case, and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Veron Fuller

Signature of Defendant

#### Address

Mission City, Tx 77488

City/State/Zip Code

#### Telephone Number

#### Direction to United States Marshal

The defendant is ORDERED released after processing.

The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: October - 19, 2007

Stephen Wm. Smith

Stephen Wm. Smith  
United States Magistrate Judge